

Patent
Attorney Docket: AUS920010460US1
(IBM/0017)

REMARKS

Applicant thanks the Examiner for conducting the telephone interview concerning the office action to which this Response is filed. The issues discussed in the telephone interview are included within the following remarks.

Claims 4-5 stand rejected under 35 U.S.C § 112 for informalities. Applicant has amended claims 4-5 to correct the informalities. Reconsideration and withdrawal of the rejection is respectfully requested.

Claims 1-3, 5-9, 11-12, 17-20, 22-23, 25-28, 30-31 and 33-37 stand rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,353,778 issued to Brown in view of U.S. Patent Application No. US 2004/0,014,464 of Takatori, *et al.* Brown discloses an automobile computer control system for limiting the usage of a wireless telephone in moving vehicles wherein the computer senses the speed of a car and when the car is moving, beams an infra red signal to the vicinity of the car driver so that if the car driver is speaking on a wireless telephone, the wireless telephone will receive the beam and turn off. (Brown, Abstract and col. 4, lines 30-35).

Applicant claims a method, system and computer program product comprising, *inter alia*, communicating reconfiguration instructions from the on-board computer to the mobile electronic device and reconfiguring the mobile electronic device as a slave device to the on-board computer in accordance with the reconfiguration instructions. (Claims 1, 17 and 26).

To establish a *prima facie* case of obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. *In re Royka*, 490 F.2d 981, 985 (CCPA 1974). All words in a claim must be considered in judging the patentability of that claim against the prior art. *In re Wilson*, 424 F.2d 1382, 1385 (CCPA 1970).

The Examiner states that Brown discloses reconfiguring the mobile electronic device as a slave device to the on-board computer in accordance with the reconfiguration instructions. (Office Action, p. 3, ¶ 1). Applicant, however, respectfully asserts that Brown does not disclose that the

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wireless telephone is reconfigured as a slave device to the on-board computer. Brown merely discloses that the wireless telephone is switched off by the on-board computer. Applicant is unable to find in Brown any disclosure, teaching or suggestion that the wireless telephone may be reconfigured as a slave device to the on-board computer. Since Brown merely discloses that the wireless telephone may be turned off, once the wireless telephone is turned off, it cannot be a *slave* to the on-board computer when the power to the wireless telephone is switched off.

Because Brown does not disclose the limitations for which it was cited for teaching or suggestion Applicant's claimed invention, Applicant respectfully asserts that a *prima facie* case of obviousness has not been presented. Reconsideration and withdrawal of the rejection of independent claims 1, 17 and 26 is respectfully requested as well as claims 2-3, 5-9, 11-12, 18-20, 22-23, 25, 27-28, 30-31 and 33-37, which depend, either directly or indirectly, therefrom.

Claims 38-39 and 41-44 stand rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,353,778 issued to Brown in view of U.S. Patent Application No. 2004/0,014,464 of Takatori, *et al* and further in view of U.S. Patent No. 5,657,317 issued to Mahany, *et al*. Claims 10, 16, 24 stand rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,353,778 issued to Brown in view of U.S. Patent Application No. US 2004/0,014,464 of Takatori, *et al* and further in view of U.S. Patent No. 6,188,315 issued to Herbert, *et al*. Claims 21 and 32 stand rejected under U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,353,778 issued to Brown in view of U.S. Patent Application No. 2004/0,014,464 of Takatori, *et al*. and further in view of U.S. Patent No. 6,052,603 issued to Kinzalow, *et al*. Claim 40 stands rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,353,778 issued to Brown in view of U.S. Patent Application No. 2004/0,014,464 of Takatori, *et al*, U.S. Patent No. 5,657,317 issued to Mahany, *et al*. and further in view of U.S. Patent No. 6,052,603 issued to Kinzalow, *et al*.

In view of the remarks concerning independent claims 1, 17 and 26, *supra*, Applicant respectfully requests reconsideration and withdrawal of the rejection of dependent claims 10, 16, 21, 24, 32, 39 and 40-44, which depend, either directly or indirectly, from independent claims 1, 17

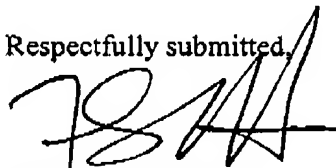
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and 26. Applicant also respectfully requests reconsideration and withdrawal of the rejection of claim 38, which includes the same limitations as independent claims 1, 17 and 26.

Claims 13-15 and 29 stand objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Applicant thanks the Examiner for finding these claims allowable if rewritten in independent form and including all the limitations of the base claim and any intervening claim. However, in view of the remarks concerning independent claims 1, 17 and 26, *supra*, Applicant respectfully requests reconsideration and withdrawal of the objection to dependent claims 13-15 and 29.

Applicant respectfully asserts that all claims are now in condition for allowance and respectfully requests that a Notice of Allowance be timely issued. If the Examiner believes that a telephone interview would expedite the examination of this application, the Examiner is invited to telephone the below signed attorney at the convenience of the Examiner. In the event there are additional charges in connection with the filing of this Response, the Commissioner is hereby authorized to charge the Deposit Account No. 50-0714/IBM/0017 of the firm of the below-signed attorney in the amount of any necessary fee.

Respectfully submitted,



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